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Attorney for Defendant  
David Duckart

**FILED**

JUL 19 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID DUCKART,

Defendant.

CR No. 98-40120 SBA

CR No. 06-00472 SBA

CR No. 06-00824 SBA

STIPULATION OF PARTIES MODIFYING  
SPECIAL CONDITIONS OF PRETRIAL  
RELEASE

The United States, through its counsel AUSA George Bevan, and defendant David Duckart, through his counsel Garrick S. Lew, hereby agree and stipulate to modify the following Special Conditions of pretrial release as set forth below:

1. Defendant shall be entitled to resubscribe to DSL/High Speed internet service at his residence for the primary purpose of communicating and transferring electronically stored data to defense and tax counsel <sup>to help</sup> prepare his defense.

2. Defendant's laptop computer shall be returned to him for the purpose of reviewing information on a USB hard drive containing a mirrored image of a computer hard drive seized by government at the time of defendant's arrest.

3. Defendant shall not view, access or use any online gambling or bookmaking websites or services on the internet. Defendant is prohibited from engaging in any online betting, wagering or bookmaking activity.

4. Pretrial services shall install monitoring software on defendant's laptop computer to insure that

cc: WDB's Stats, Copy to parties via ECF, Pretrial, Financial, Lisa

1 defendant does not view or access prohibited gambling or bookmaking websites or services and shall  
2 regularly monitor\inspect defendant's usage of his laptop computer.

3  
4 **Factual Basis for Proposed Modification of Pretrial Release Terms**

5 Defendant's residence and second home have jeopardy tax assessment liens recorded against  
6 title. Defendant's stocks accounts valued at approximately \$1.2 million have been seized and liquidated  
7 by the IRS. Defendant is facing over \$5,000,000 in excise and income tax jeopardy assessments.  
8 Defendant needs to provide defense and tax counsel with financial information pertaining to his income,  
9 expenses, commissions, fee splits, losses, debts, loans, stock transactions and real estate transactions to  
10 help determine defendant's actual tax liabilities. Defendant cannot do so without the use of a computer  
11 to review the mirrored hard drive that contains financial information and data pertaining to the business  
12 activities and financial transactions that defendant engaged in prior to his arrests. Once that information  
13 is located on the hard drive defendant needs to provide the same to his tax counsel in Los Angeles and  
14 defense counsel in San Francisco. Defendant remains on 24\7 house arrest\detention in San Ramon and  
15 does not have office and copy service support at his residence to process the electronic data into hard  
16 copies to distribute to counsel. The fastest and easiest way to transfer the electronic information to  
17 respective counsel is by electronic file transfers using a computer and the internet.

18 Pretrial services officer Richard Sarlatte has been informed of the need for this proposed  
19 modification of pretrial release terms and has computer monitoring software that can be installed on  
20 defendant's laptop to prevent and detect if defendant improperly accesses gambling\bookmaking  
21 websites on the internet.

22 The parties have agreed to a global settlement conference on August 15, 2007 and defendant  
23 needs to assist counsel in preparing for the settlement meeting.

24  
25 **So Stipulated.**

26  
27 Dated: July \_\_, 2007

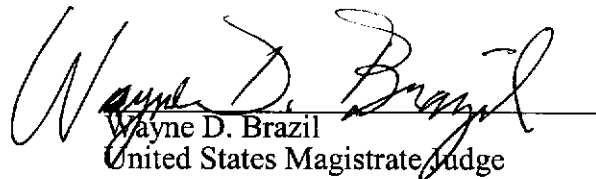
28 \_\_\_\_\_ /s/  
George L. Bevan, Jr.  
Assistant United States Attorney

1 Dated: July 13, 2007

2 \_\_\_\_\_/s/\_\_\_\_\_  
3 Garrick S. Lew  
4 Attorney for Defendant David Duckart

5 SO ORDERED.

6 Dated: July 19, 2007

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Wayne D. Brazil  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

DAVID DUCKART,

Defendant.

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Case Number: CR-98-40120 SBA

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 20, 2007, I SERVED a true and correct copy of the attached, by placing said copy(ies) in a postage paid envelope addressed to the persons hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy into an inter-office delivery receptacle located in the Clerk's office.

George L. Bevan  
United States Attorney's Office  
Oakland  
1301 Clay Street, Suite 340S  
Oakland, CA 94612

U.S. Pretrial Services Agency  
1301 Clay Street, Ste. #100C  
Oakland, CA 94612

Garrick S. Lew  
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600 Townsend Street, Ste. 329 E  
San Francisco, CA 94103

cc: Lisa Clark, Courtroom Deputy of Judge Armstrong  
Odile Hansen/Financial

Dated: July 19, 2007

Richard W. Wieking, Clerk

  
By: Ivy Garcia, Deputy Clerk